I read with great interest a number of the comments in this proceeding. My interest comes from the perspective of a former station-owner (WOSC in Upstate New York), manager of broadcast facilities elsewhere, interested involved citizen, and presently a businessman here in the Washington-Baltimore area.

One of the clear patterns which emerges in the comments is that private citizens and those without a clear profit motive are almost unanimously asking for more restrictions on station ownership and the giants of modern broadcasting just happen to mysteriously take a very different view. This fact, in and of itself is telling and should suggest that some broadcasters' views of the public interest are rather different from those of the public.

Clear Channel communications suggests that ownership of multiple stations is an incentive to run multiple formats. While this may, in theory, be true, others observe that an owner running the same formats in many markets also has strong economic incentives to consolidate operations into less local (and thus less responsive) programming. AFTRA even gives the example of a proposed contract where a union announcer's voice work could be used on any co-owned station nationwide.

The mission of the FCC is inherently paradoxical. At once, you are expected to regulate the use of the limited public resource that is the broadcast spectrum to insure that the public receives the best possible service from it, while at the same time not being able to regulate programming which is ultimately the only service the public derives from broadcast stations. For many years, regulations on ownership and technology have maintained a standard of broadcast quality and service that was the envy of the world. The system was working so well that only an act of congress could destroy it, and so it came to be!

Those on both sides of these issues claim that they are upholding or promoting standards of quality in broadcasting. Clear Channel refers to the improvement in facilities and larger-market programming which have allowed those in rural areas to have quality local radio, while AFTRA and others point out that classical, jazz and other formats have nearly disappeared from the dial as the last independent stations get gobbled up by the conglomerates.

This issue of "quality" is particularly troublesome, because it is largely subjective, but not entirely. Unfortunately, it doesn't lend itself to empirical data or legal definitions. However this should not remove it from consideration as an issue. If you had to write regulations or argue a case in a court of law, it would also be impossible to prove the art of Leonardo DaVinci is superior to the velvet paintings of Elvis, often sold at flea markets. It would not be hard to find agreement on the relative merit of these artworks, except for the fact that the flea market velvet vendor might respectfully disagree.

In this case, would Clear Channel and its kind not be like the velvet vendors? They, who have a profit motive, would argue that radio has improved under their stewardship. Most other observers including many broadcast employees and members of the listening public who choose to comment all seem to agree that the "quality" and "diversity" of radio has deteriorated.

While congress has limited the ability of the Commission to restrict multiple-station ownership, there are still matters of interpretation that are left open. Chief among these is the definition of a "market." The current system seems to have inadvertently left precisely the loopholes needed to exacerbate the problem with concentration of ownership. Fixing this is within the FCC's legal ability.

As Hodson broadcasting points out, the daisy-chaining of overlapping contours can be used to define small markets as large. It also can be used to leave specific stations out of consideration as being "in-market." Mr. Hodson suggests a formula based on Arbitron and other similar measures, combined with a 50% city-grade coverage formula for determining a "market."

These are steps in the right direction, but they miss on a critical point – FM signals are used and usable far beyond the "city grade" standards. The 5µV AM standard is reasonable, based on the many interference problems suffered by AM signals. Although a good car radio will easily pick up an AM station with at least 2µV, home and office reception are all but impossible below 5. FM stations, however have protected contours of 1 or .5 (depending on class of station) and are usually easily heard somewhat beyond those limits.

While these lower limits would push some individual cities into larger market categories, they would close the "multiple markets" loophole. For example, if you park near the FCC's headquarters and you get in your car and use the "scan" feature of most FM radios you will find about 35-40 strong easily-heard FM stations. You will be in the protected contours of about 25 of them, and the city grade signal areas of fewer than 20. Because of this discrepancy, you will scan 7 or 8 stations belonging to Clear Channel and 6 or 7 belonging to Infinity. If the rules were written in such a way as to carry out the stated intention of four-to-a-market per band, this would not happen.

Mr. Hodson's 50% coverage idea would be workable for determining when outlying stations are in a market, based on the 50% or greater coverage in the principal city or cities of a metro area as qualifying. Coverage would be defined as 5µV for AM and protected contour for FM. A metro area, rather than being subject to whims of particular market survey companies, should be defined as a Census MSA or where-applicable CMSA. For a CMSA, the 50% standard would be applied to the total coverage vs. area of all of the primary cities.

This would cause a relatively central lower power station to qualify as “market” as well as a powerful outer suburban “rimshot” station. Stations that do not qualify as “market” in an MSA could be similarly measured in their federally-designated urbanized areas. Those stations not covering 50% of the primary city of any urbanized area would be have their markets defined based on the largest community in their coverage areas.

In summary, I concur with the commenters who are seeking more diversity in station ownership and think it is important to note that the Commission can achieve this goal legally with existing ownership rules, simply by properly defining markets based on actual usable coverage rather than city grade.

…Sam Brown